IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

OP.No. 17414 of 1999(W)

PETITIONER:

T.A.ABRAHAM, AGED 56,
THAZHATHILLATHU PALLICKAL HOUSE,
VADASSERIKKARA P.O.,
PATHANAMTHITTA.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS:

THE PLANTATION CORPORATION OF KERALA LTD.,
KOTTAYAM – 4,
REPRESENTED BY ITS MANAGING DIRECTOR.

BY ADV. SRI.JOSEPH MARKOSE
SRI.JOSEPH MARKOSE

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

ORDER ON C.M.P NO.28513/1999

CLOSED

SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE

01/06/2007

PETITIONER'S EXTS:

EXT.P1: COPY OF THE CHARGE SHEET DATED 04/07/1996 ISSUED BY THE RESPONDENT TO THE PETITIONER

EXT.P2 COPY OF THE PETITIONER'S REPLY DATED 14/09/1996 TO THE RESPONDENT

EXT.P3 COPY OF THE SECOND CHARGE SHEET DATED 07/01/1997 ISSUED BY THE RESPONDENT TO THE PETITIONER

EXT.P4 COPY OF THE EXPLANATION SUBMITTED BY THE PETITIONER TO THE EXT.P3

EXT.P5 COPY OF THE LETTER SENT BY THE RESPONDENT TO THE PETITIONER DATED 06/02/1997

EXT.P6 COPY OF THE ARGUMENT NOTE SUBMITTED BY THE PETITIONER'S COUNSEL BEFORE THE ENQUIRY OFFICER DATED 30/01/1998

EXT.P7 COPY OF THE DOMESTIC ENQUIRY REPORT BY THE ENQUIRY OFFICER SRI C.JOSE PHILIP, ADVOCATE, KOTTAYAM-2, DATED 16/02/1998

EXT.P8 COPY OF THE SHOW CAUSE NOTICE DATED 23/02/1998 ISSUED BY THE RESPONDENT TO THE PETITIONER.

EXT.P9 COPY OF THE LETTER SUBMITTED BY THE PETITIONER TO RESPONDENT DATED 26/02/1998

EXT.10 COPY OF THE RESPONDENT'S LETTER REJECTING PETITIONER'S REQUEST CONTAINED IN EXT.P9 DATED 27/02/1998

EXT.P11 COPY OF THE REPLY TO THE SHOW CAUSE NOTICE DATED 28/02/1998 SUBMITTED BY THE PETITIONER.

EXT.P12 COPY OF THE RESPONDENT'S PROCEEDINGS DATED 31/03/1998

EXT.P13 COPY OF THE APPEAL SUBMITTED BEFORE THE BOARD OF DIRECTORS OF THE RESPONDENT BY THE PETITIONER DATED 15/04/1998

EXT.P14 COPY OF THE RESPONDENT'S LETTER DATED 10/03/1999

EXT.P15 COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 25/05/1999.

\\TRUE COPY//

THOTTATHIL B. RADHAKRISHNAN, J

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O.P.No. 17414 of 1999

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Dated this the 1st day of June, 2007

J U D G M E N T

The petitioner challenges the punishment imposed by the first respondent-Management. In the realm of discipline, the punishment originally imposed on the petitioner, having been interfered with by the Appellate authority, the total liability to the petitioner is fixed as Rs.16,483/-, slashing down the amount originally fixed. Having heard the counsel for the parties, as regards the limited grounds urged before me, I do not find any reason to interfere with the punishment imposed, particularly, when no ground as to inappropriate procedure has been demonstrably urged inspite of the plea that there is a misjoinder or clubbing of charges.

2. Led to that situation, the learned counsel for the petitioner points out that the management is yet to take a decision on the question as of how the period spent under suspension has to be

treated and the question as regards the pay and allowances that the petitioner may draw as a consequence of his reinstatement in service. It is also pointed out that Ext.P15 representation touching those matters are pending consideration.

3. While the learned counsel for the management points out that the plea of the petitioner that he was not paid subsistence allowance during the period of suspension is not correct, the question as to how the period spent under suspension is to be treated and other questions are yet to be decided, in the view of the fact that the disciplinary proceedings and the resultant imposition of the punishment are pending consideration of this Court in this original petition.

4. In the aforesaid circumstances, while rejecting the contentions of the petitioner against the disciplinary proceedings of the punishment imposed, this original petition is disposed of directing that the management will take up Ext.P15 representation and consider the other entitlements, if any, of the

petitioner, including for release of any pay and allowances, as also any amounts that may be due to him on a consideration of the questions, as to how the period of suspension has to be treated. Such a decision shall be taken by the competent authority within a period of three months from the date of receipt of a copy of this judgment.

Original petition is disposed of with the aforesaid directions. No order as to costs.

THOTTATHIL B.RADHAKRISHNAN
Judge

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THOTTATHIL B. RADHAKRISHNAN, J.

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J U D G M E N T

1st June, 2007